

REMARKS

Claims 1-3, 9-14 and 21 are pending in this application. By this Amendment, claim 21 is added. Support for claim 21 is found at least in Applicants' Fig. 6 and paragraph [0006] of Applicants' specification. Claims 1-3, 9 and 10 are amended. Claim 4 is canceled without prejudice or disclaimer. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representative by Examiner Motsinger at the interview held January 12, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

The Office Action rejects claims 1-4 and 9 under 35 U.S.C. § 101 as allegedly containing non-statutory subject matter. Without conceding the propriety of the rejection, and purely to advance prosecution, claims 1-3 and 9 are amended to obviate the rejection. The cancellation of claim 4 renders the rejection of that claim moot. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action rejects claims 2 and 10 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Without conceding the propriety of the rejection, and purely to advance prosecution, claims 2 and 10 are amended to obviate the rejection. Support for "wherein segmenting gray scale image data includes segmenting the gray scale image data into a plurality of blocks before segmenting pixels in the blocks into the first plane and the second plane," as recited in claim 2 and similarly in claim 10, is found, at least in paragraph [0046] of U.S. Patent No. 6,400,844, which is incorporated by reference. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action rejects claims 1, 2, 4, 9, 10, and 12-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,917,952 to Noh in view of U.S. Patent No. 6,400,844 to Fan et al. (hereinafter "Fan"). Additionally, the Office Action rejects claims 3 and 11 under 35 U.S.C. §103(a) as being unpatentable over Noh in view of Fan, and further in view of Kodidis, Eleftherios et al. "Nonlinear Adaptive Filters for Speckle Suppression in Ultrasonic Images," Signal Processing, v.52, n3, August 1996, pp. 357-372 ("Kodidis").

Applicants respectfully traverse these rejections.

Without conceding the propriety of the rejections, and purely to advance prosecution, claims 1 is amended to recite, among other features, "receiving binary image data from the external source." Claims 9 and 21 recite similar features. Noh neither teaches, nor would it have rendered obvious, any feature that can reasonably be considered to correspond to the above-quoted feature of claims 1, 9 and 21.

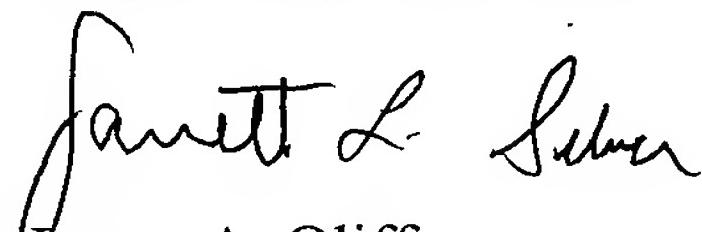
For at least this reason, Noh cannot reasonably be considered to teach, or to have rendered obvious, the combinations of all of the features positively recited in independent claims 1, 9 and 21. Further, Fan and Kodidis are not applied in any manner that would overcome the above-identified shortfall in the application of Noh to the subject matter of independent claim 1. To any extent that Noh is even combinable with Fan and/or Kodidis, a conclusion which applicants do not concede, no permissible combination of these references can reasonably be considered to have rendered obvious the combination of all of the features positively recited in claims 2, 3 and 10-14, for at least the respective dependencies of these claims directly on an allowable base claim, as well as the separately allowable subject matter that these claims recite.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-3 and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over the applied references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 9-14 and 21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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